

UNITED STATES OF AMERICA)
)
 v.) Case No. 3:15-CR-014 JD
)
 WILLIAM DANIEL McCLURE)

In support of his motion, defense counsel has submitted a Forensic Psychological Evaluation of Mr. McClure by Dr. Michael Fogel. This report concludes by stating that it is Dr. Fogel's "clinical opinion that Mr. McClure presently suffers from a mental disease rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense." As both counsel agree, the

Court finds that this report presents at least reasonable cause to believe that the defendant may not presently be competent to proceed with this matter.

Accordingly, the Court GRANTS the Defendant's motion and ORDERS that a psychiatric or psychological examination be conducted by a licensed or certified psychiatrist or psychologist at a Bureau of Prisons facility. The report filed with the Court, with copies provided to counsel, should comply with the provisions of 18 U.S.C. § 4247(b) and (c). Specifically, the report shall include: (1) Mr. McClure's history and present symptoms; (2) a description of the psychiatric, psychological, and medical tests that were employed and their results; (3) the examiner's findings; and (4) the examiner's opinions as to diagnosis, prognosis, and whether Mr. McClure is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. § 4247(c)(1)–(4)(A). The report must be concluded within thirty days of Mr. McClure's arrival at the facility where he is to be evaluated, which, unless impracticable, should be the suitable facility closest to the court, consistent with § 4247(b).

Upon receipt of this report, the Court will contact the parties to set a competency hearing, if appropriate. In addition, based on the government's request, and with the agreement of the Defendant, the Court VACATES the current trial date of August 24, 2015, in addition to the final pretrial conference and other pretrial deadlines. The Court further notes that based on the proceedings ordered herein, time will be excluded from the speedy trial clock pursuant to 18 U.S.C. § 3161(h)(1)(A) (excluding any period of "delay resulting from any proceeding, including any examinations, to determine the mental competency or physical capacity of the defendant")

and § 3161(h)(1)(F) (excluding any period of “delay resulting from transportation of any defendant . . . to and from places of examination or hospitalization,” up to 10 days).

SO ORDERED.

ENTERED: May 13, 2015

/s/ JON E. DEGUILIO
Judge
United States District Court